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14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
15 **FOR THE COUNTY OF LOS ANGELES**  
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17 KATHERINE MCNENNY and ADRIAN  
RISKIN,  
18  
19 Petitioners and Plaintiffs,  
vs.

20 LOS ANGELES CHINATOWN BUSINESS  
COUNCIL, a non-profit corporation,  
21

22 Respondent and Defendant.  
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) Case No.: BS174784  
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) **REPLY AND NOTICE OF NON-**  
) **OPPOSITION IN SUPPORT OF**  
) **PETITIONERS' MOTION FOR AWARD**  
) **OF ATTORNEYS' FEES AND COSTS**  
)

) **DATE: February 5, 2020**  
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) **TIME: 9:30 A.M.**  
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) **DEPT: 86**  
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) **JUDGE: Hon. Mitchell L. Beckloff**  
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Petitioners hereby submit the following Reply and Notice of Non-Opposition in support of their Motion for Award of Attorneys' Fees and Costs (hereinafter, "fee motion").

**RESPONDENT HAS SUBMITTED NO RESPONSE TO PETITIONERS' FEE MOTION**

On October 16, 2019, Petitioners personally served their fee motion and all supporting materials on Respondent. Petitioners filed a Proof of Personal Service with the Court on October 31, 2019 evidencing this service.

Respondent's response or opposition to the fee motion was due on or before January 23, 2020. To date, Respondent has not served or filed any response or opposition to Petitioner's fee motion.

Therefore, Petitioners respectfully submit that their fee motion is unopposed and, good cause appearing therefore, the motion should be granted.

**COUNSEL FOR PETITIONERS HAVE RECEIVED A FEE AWARD IN THE LOS ANGELES SUPERIOR COURT RECOGNIZING THE REASONABLENESS OF THEIR REQUESTED \$400 HOURLY RATE**

Since the submission of their fee motion on October 18, 2019, the Los Angeles Superior Court issued a decision recognizing the reasonableness of a \$400 hourly rate for Petitioners' counsel Anna von Herrmann and Abenicio Cisneros. *See Riskin v. Larchmont Village Property Owners Association*, Case No. BS172934, (Nov. 21, 2019). That same reasonable rate is requested in the present fee motion.

**PETITIONERS HAVE EXPENDED ADDITIONAL REASONABLE ATTORNEY HOURS AND COSTS SINCE THE SUBMISSION OF THEIR FEE MOTION**

Since the submission of their fee motion on October 18, 2019, Petitioners have expended additional necessary attorney hours and costs litigating this matter. Notably, because Respondents have refused to comply with the judicial order against them, Petitioners were forced to pursue an Order to Show Cause Re Contempt. The contempt proceedings are ongoing. All additional time expended was directly related to the issue of Respondent's refusal to release records responsive to Petitioners' requests for public records or directly related to the fee motion itself. All time expended was reasonable. These additional hours, as well as the billing judgment counsel utilized, are detailed

1 in the Supplemental Declaration of Anna von Herrmann, Exhibits A and B; the Supplemental  
2 Declaration of Abenicio Cisneros, Exhibits A and B; and the Amended Declaration of Joseph  
3 Wangler,<sup>1</sup> Exhibits A and B, all simultaneously filed under separate cover.

4 Moreover, since filing their August 26, 2019 Memorandum of Costs (which detailed costs of  
5 \$1,524.11), Petitioners have expended an additional \$599.91 in necessary costs. These costs are  
6 detailed in the Supplemental Declaration of Anna von Herrmann; the Supplemental Declaration of  
7 Abenicio Cisneros; and the Amended Declaration of Joseph Wangler.

8 A summary of the updated total attorney hours and costs expended is detailed in the  
9 following chart:

	von Herrmann	Cisneros	Wangler	Total
11 <b>General</b> 12 <b>(excluding</b> 13 <b>"fees on fees")</b>	63.6 hours: \$25,440  Increased by 1.25 multiplier: \$31,800	19.1 hours: \$7,640  Increased by 1.25 multiplier: \$9,550	12.8 hours <sup>2</sup> : \$4,570  Increased by 1.25 multiplier: \$5,712.50	95.5 hours <sup>3</sup> : \$37,650  Increased by 1.25 multiplier: \$47,062.50
14 <b>"Fees on fees"</b>	20.2 hours: \$8,080	1.8 hours: \$720	1.4 hours: \$560	23.4 hours: \$9,360
15 <b>Costs</b>	--	--	--	\$2,124.02
16				<b><u>\$58,546.52</u></b>

17 Accordingly, the updated total amount Petitioners seek in their fee motion is **\$58,546.52**.  
18 That total consists of: \$37,650 in general attorneys' fees; \$9,412.5 for a 1.25 multiplier<sup>4</sup> to  
19 approximate full compensation in light of contingency risk, delay of payment, and other factors the  
20 Court deems appropriate; \$9,360 for "fees on fees"; and \$2,124.02 in total costs.

21 DATED: January 24, 2020

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24 ANNA VON HERRMANN  
Attorney for Petitioner

25 <sup>1</sup> Local counsel Joseph Wangler made a minor error in the original calculation of his hours as detailed in his October 15,  
26 2019 declaration. Mr. Wangler has corrected this error and provided a proper calculation in the January 23, 2020  
amended declaration and supporting materials submitted here.

27 <sup>2</sup> This 12.8-hour figure includes 5.5 travel hours at a discounted \$300/hour rate.

28 <sup>3</sup> This 95.5-hour figure includes 5.5 travel hours at a discounted \$300/hour rate.

<sup>4</sup> Issues related to the 1.25 multiplier are addressed in detail in the original fee motion.